

1 M. KIRBY C. WILCOX (SB# 78576)
kirbywilcox@paulhastings.com
2 MOLLY A. HARCOS (SB# 233556)
mollyharcos@paulhastings.com
3 PAUL, HASTINGS, JANOFISKY & WALKER LLP
55 Second Street
4 Twenty-Fourth Floor
San Francisco, CA 94105-3441
5 Telephone: (415) 856-7000
Facsimile: (415) 856-7100

6 Attorneys for Defendants
7 PIPER JAFFRAY & CO. and
UBS FINANCIAL SERVICES INC.
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 GERRY McNERNEY, CHRIS
SCROGGINS, individually and on behalf
13 of all others similarly situated,,
14

Plaintiffs,

15 vs.

16 PIPER JAFFRAY & CO., UBS
FINANCIAL SERVICES, INC.
17

Defendants.
18

CASE NO. C-06-5155 PJH

**JOINT STIPULATION TO EXTEND CASE
MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER**

Pursuant to the Civil Local Rules for the U.S. District Court of the Northern District of California ("Local Rule"), Rules 6-1 and 6-2, the parties in the above-captioned matter (the "parties") stipulate and request a court order to extend the scheduled Case Management Conference ("CMC"), from November 30, 2006 to December 21, 2006 (or to the next available date otherwise ordered by the court), for the following reasons:

- Local Rule 16-10 mandates that "lead trial counsel for each party must attend the initial case management."
- However, lead counsel for the parties have scheduling conflicts, and cannot attend the November 30th CMC. Mr. Wilcox, lead counsel for Defendants, has an all-day mediation scheduled on November 30th, and is also unavailable on December 14th. Mr. Wynne, lead counsel for the Plaintiffs, will be out of state attending a hearing before the Panel on Multidistrict Litigation, and is also unavailable December 7th. (*See* Declaration of Kirby Wilcox, attached as Exhibit A.)

The parties believe the requested three-week extension for the CMC hearing date will have a minimal effect on the schedule for the case and the trial date has not been set. *See* Local Rule 6-2(a)(3).

Pursuant to Local Rule 6-2(a)(2), the parties also notify the Court that on September 14th they filed a stipulation to extend Piper Jaffray & Co.'s time to respond to Gerry McNerney's complaint (Docket No. 4).

Accordingly, the parties, by and through their counsel, seek a court order and hereby stipulate, as follows:

1 The parties shall extend the scheduled Case Management Conference ("CMC") in
2 the above-captioned matter, from November 30, 2006 to December 21, 2006 (or the next
3 available date otherwise ordered by the court).

4
5 DATED: November 13, 2006

M. KIRBY C. WILCOX
MOLLY A. HARCOS
PAUL, HASTINGS, JANOFSKY & WALKER LLP

7
8 By: 

M. KIRBY C. WILCOX

9 Attorneys for Defendants
10 PIPER JAFFRAY & CO. and UBS FINANCIAL
SERVICES INC.

11 DATED: November 17, 2006

EDWARD J. WYNNE
J.E.B. PICKETT
WYNNE LAW FIRM

13
14 By: 

EDWARD J. WYNNE

15 Attorneys for Plaintiffs
16 GERRY McNERNEY, CHRIS SCROGGINS

17
18 For good cause shown, it is hereby ordered that, pursuant to Civil L. Rules 6-1, 6-
19 2 and 16-10, the Case Management Conference, originally scheduled for November 30, 2006,
20 will be held in this case before the Honorable Phyllis J. Hamilton on December 21, 2006, at
21 2:30 p.m., in Courtroom 3, 17th Floor, Federal Building, 450 Golden Gate Avenue, San
22 Francisco, California.

23
24 IT IS SO ORDERED.

25 Dated: 11/15/06

26



EXHIBIT A

M. KIRBY C. WILCOX (SB# 78576)
kirbywilcox@paulhastings.com
MOLLY A. HARCOS (SB# 233556)
mollyharcos@paulhastings.com
PAUL, HASTINGS, JANOFSKY & WALKER LLP
55 Second Street
Twenty-Fourth Floor
San Francisco, CA 94105-3441
Telephone: (415) 856-7000
Facsimile: (415) 856-7100

Attorneys for Defendants
PIPER JAFFRAY & CO., and
UBS FINANCIAL SERVICES INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERRY McNERNEY, CHRIS
SCROGGINS, individually and on behalf
of all others similarly situated,,

Plaintiffs,

vs.

PIPER JAFFRAY & CO., UBS
FINANCIAL SERVICES, INC.

Defendants.

CASE NO. C-06-5155 PJH

**DECLARATION OF M. KIRBY C.
WILCOX IN SUPPORT OF JOINT
STIPULATION TO EXTEND CASE
MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER**

I, M. Kirby C. Wilcox, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of California and before this Court. I am a partner with the law firm of Paul, Hastings, Janofsky & Walker LLP ("Paul Hastings"), attorneys of record for Piper Jaffray & Co. and UBS Financial Services Inc. If called as a witness, I would and could competently testify to all facts within my personal knowledge except where stated upon information and belief.

2. I am lead counsel for Defendants in this matter. I have an all-day mediation scheduled on November 30th and thus would not be able to attend the scheduled CMC

1 on November 30th. I am also unavailable December 14th, because I have a previously scheduled
2 engagement that I must attend.

3 3. I have been informed by Mr. Wynne, lead counsel for the Plaintiffs, and
4 believe that he cannot attend the scheduled CMC on November 30th, because he will be out of
5 state attending a hearing before the Panel on Multidistrict Litigation. Mr. Wynne also informed
6 me that he is unavailable the following Thursday, December 7th.

7
8 I declare under penalty of perjury that the foregoing is true and correct. Executed
9 on November 3, 2006.

10
11 DATED: November 3, 2006

12 
13 M. Kirby C. Wilcox
14
15

16 LEGAL_US_W # 54854179.1
17
18
19
20
21
22
23
24
25
26
27
28